

by the person with whom the municipality contracts for the development of the reclaimed water project; and

(4) provide for the provision of reclaimed water for industrial purposes at specified rates for the term approved by the governing body of the municipality as part of the consideration for the acquisition of the reclaimed water project by the municipality.

(f) If a contract entered into under this section provides for the design, construction, and financing of the reclaimed water project by the person with whom the municipality contracts:

(1) a contract procurement or delivery requirement applicable to the municipality does not apply to the reclaimed water project; and

(2) Chapter 2254, Government Code, does not apply to the reclaimed water project.

(g) Subchapter I, Chapter 271, applies to a written contract entered into under this section as if the contract were a contract described by Section 271.151(2).

(h) To the extent of a conflict with another statute or municipal charter provision or ordinance, this section controls.

(i) The validity or enforceability of a contract entered into under this section by a municipality is not affected if, after the contract is entered into, the municipality no longer meets the requirements described by Subsection (b).

SECTION 2. This Act applies to a contract entered into before the effective date of this Act that is made contingent on this Act taking effect.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on March 22, 2017: Yeas 145, Nays 0, 1 present, not voting;
passed by the Senate on May 11, 2017: Yeas 31, Nays 0.

Approved May 23, 2017.

Effective May 23, 2017.

DESIGNATION OF THE LADY BIRD JOHNSON WILDFLOWER CENTER AT THE UNIVERSITY OF TEXAS AT AUSTIN AS THE STATE BOTANICAL GARDEN AND ARBORETUM

CHAPTER 79

H.B. No. 394

AN ACT

relating to the designation of the Lady Bird Johnson Wildflower Center at The University of Texas at Austin as the state botanical garden and arboretum.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 3101, Government Code, is amended by adding Section 3101.013 to read as follows:

Sec. 3101.013. STATE BOTANICAL GARDEN AND ARBORETUM. The state botanical garden and arboretum is the Lady Bird Johnson Wildflower Center at The University of Texas at Austin.

SECTION 2. This Act takes effect September 1, 2017.

Passed by the House on April 13, 2017: Yeas 130, Nays 6, 3 present, not voting; passed by the Senate on May 11, 2017: Yeas 31, Nays 0.

Approved May 23, 2017.

Effective September 1, 2017.

**AUTHORITY OF A PROPERTY OWNER TO PARTICIPATE BY
TELEPHONE CONFERENCE CALL AT A PROTEST HEARING
BY AN APPRAISAL REVIEW BOARD**

CHAPTER 80

H.B. No. 455

AN ACT

relating to the authority of a property owner to participate by telephone conference call at a protest hearing by an appraisal review board.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 41.45, Tax Code, is amended by amending Subsections (b) and (n) and adding Subsections (b-1), (b-2), and (b-3) to read as follows:

(b) A ~~[The]~~ property owner initiating a ~~[the]~~ protest is entitled to ~~[an opportunity to]~~ appear to offer evidence or argument. A ~~[The]~~ property owner may offer ~~[his]~~ evidence or argument by affidavit without personally appearing *and may appear by telephone conference call to offer argument. A property owner who appears by telephone conference call must offer any evidence by affidavit. A property owner must submit an affidavit described by this subsection [if he attests to the affidavit before an officer authorized to administer oaths and submits the affidavit]* to the board hearing the protest before the board ~~[it]~~ begins the hearing on the protest. On receipt of an affidavit, the board shall notify the chief appraiser. The chief appraiser may inspect the affidavit and is entitled to a copy on request.

(b-1) An appraisal review board shall conduct a hearing on a protest by telephone conference call if:

(1) the property owner notifies the board that the property owner intends to appear by telephone conference call in the owner's notice of protest or by written notice filed with the board not later than the 10th day before the date of the hearing; or

(2) the board proposes that the hearing be conducted by telephone conference call and the property owner agrees to the hearing being conducted in that manner.

(b-2) If a property owner elects to have a hearing on a protest conducted by telephone conference call, the appraisal review board shall:

(1) provide a telephone number for the property owner to call to participate in the hearing; and

(2) hold the hearing in a location equipped with telephone equipment that allows each board member and the other parties to the protest who are present at the hearing to hear the property owner offer argument.

(b-3) A property owner is responsible for providing access to a hearing on a protest conducted by telephone conference call to another person that the owner invites to participate in the hearing.

(n) A property owner does not waive the right to appear in person at a ~~[the]~~ protest hearing by submitting an affidavit to the appraisal review board *or by electing to appear by telephone conference call. The board may consider an [the] affidavit submitted under this section only if the property owner does not appear in person at the [protest] hearing [in person]. For purposes of scheduling the hearing, the property owner must [shall] state in the affidavit that the property owner does not intend to appear at the hearing or that the property owner intends to appear at the hearing in person or by telephone conference call and that the affidavit may be used only if the property owner does not appear at the hearing in person. If the property owner does not state in the affidavit whether the owner intends to appear at the hearing and has not elected to appear by*